



**STATE OF TENNESSEE
DEPARTMENT OF COMMERCE AND INSURANCE
BOARD FOR LICENSING CONTRACTORS
500 JAMES ROBERTSON PARKWAY, SUITE 110
NASHVILLE, TENNESSEE 37243
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**Minutes – Teleconference
January 14, 2009 at 11:00 a.m. (CT)
Toll Free: 877-436-2482 or Local: (615) 532-2242**

11:00 a.m. Call to Order by Cindi DeBusk (Chair)

Roll Call:

Mark Brodd; Cindi DeBusk; Cliff Hunt; Ernest Owens; Frank Neal; Ronnie Tickle; and Keith Whittington. (Quorum)

Participants:

Carolyn Lazenby; Michael Driver; Telise Roberts; and Nicole Canter.

Cindi DeBusk - Statement of Necessity - Pursuant § T.C.A. 8-44 108:

- Necessity means, matters to be considered by this governing body at this meeting require timely action by the body; physical presence by a quorum of the members is not practical within the period of time requiring action; and participation by a quorum of the members by telephone means of communication is necessary. Decisions of the Board will be confirmed with by roll call vote.
- Necessity for this meeting is to prevent further hardship to this electrical cooperative in order to award a contract from a bid in August. A request was made for a special hearing by a *Respondent in this matter, who said waiting until the 20th for the board to meet would be an expensive burden. As the law prevents a contract from being awarded to a contractor who violated the law under TCA, 62-6-120, the Respondent decided to wait for the Board's interpretation and decision on the complaint prior to awarding the contract at issue.* In addition, Rule 0680-1-.03 – Special meetings may be held at the call of the Chairman or three board members.

Complaint Case# 200801805 – Commercial:

- Allegation: Low bidder of four electrical contractors, bid in excess of their \$1,500,000 monetary limit. *(All other contractors held an "Unlimited" limit.)*
- Response from the owner: This was a lump sum bid for evaluation purposes, only, to determine the lowest bidder for a three (3) year contract. They do not intend to award a contract for any set amount. They obtained an opinion from their attorney this was not a violation since no individual job would exceed the \$1,500,000 unit.
- Response from the contractor: This was not a bid issued to offer an exact amount; this contract was for non site specific units. They have performed these jobs for them since 1993, and typical jobs range from \$1,000 to \$100,000.
- Total Lump Sum Bid: \$2,045,384.51
- Prior Complaints: None

Motion by Frank Neal:

- Contractor was in violation for submitting a lump sum bid in an amount in excess of their monetary limit of \$1,500,000.
- Issue consent order in the amount of \$1,000 for exceeding the monetary limit on license. If they fail to pay the consent order, move forward to a formal hearing for revocation of the license.

Second by Keith Whittington**Roll Call Vote:**

Yes	Mark Brodd	Yes	Cliff Hunt	Yes	Frank Neal
Yes	Ernest Owens	Yes	Ronnie Tickle	Yes	Cindi DeBusk
Yes	Keith Whittington				

(Unanimous)

Motion by Frank Neal:

- To adopt the Statement of Necessity submitted at the beginning of the conference call by Cindi DeBusk, Board Chair.

Second by Ronnie Tickle**Roll Call Vote:**

Yes	Mark Brodd	Yes	Cliff Hunt	Yes	Frank Neal
Yes	Ernest Owens	Yes	Ronnie Tickle	Yes	Cindi DeBusk
Yes	Keith Whittington				

(Unanimous)

Adjourn